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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			EXAMINER
22852	7590	10/20/2006	CRABTREE, JOSHUA DAVID

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ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/619,756	ECK ET AL.
	Examiner	Art Unit	
	Joshua D. Crabtree	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/9/2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-70* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)	5) ☐ Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   In response to the amendment dated 8/9/2006; claims 1-37 cancelled; newly

added claims 38-70 pending.

Oath/Declaration

2.   The Oath/Declaration filed on 8/9/2006 is acknowledged. The objection with

regard to the previous Oath/Declaration is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 38-46, 48-56, 58-66, 68-70 are rejected under 35 U.S.C. 102(e) as being**

Alcorn et al. (US 6,988,138).

Alcorn et al. disclose an Internet-based education support system and methods.

With regard to claims 38, 48, 58, the user is provided access, via a Web server host (Item 130 in Fig. 1), to an electronic course which is hosted by an external system (Col. 7: 40-55; Items 110 and 150 in Fig. 1).

With regard to claim 48, Alcorn et al. disclose that the method is performed by computers, or executable instructions in a machine-readable medium (Col. 3: 57-63).

With regard to claim 58, the server (Item 130 in Fig. 1) is a computer, which comprises a processor.

With regard to the limitations of receiving, by a server, metadata for a course catalog from the external system, and presenting the course catalog to a user of the server, wherein the course catalog describes courses hosted by an external system, Alcorn et al. disclose that the user may browse a catalog of courses via a Web interface (Col. 8: 52-55; Item 614 in Fig. 5). The user accesses this data through a Web browser, via a Web server host (Col. 10: 15-23; Item 130 in Fig. 1).

With regard to the limitations of receiving, from the user, a selection of at least one course from the courses hosted by the subsystem, and communicating with the external system to provide access to the course, Alcorn et al. disclose that the user may click on a course title in order to access the content associated with the course (Col. 13: 50 – Col. 14: 28).

With regard to claims 39, 49, 59, and the limitation wherein the step of communicating comprises transmitting a register command that registers the user with

the external system, Alcorn et al. disclose that user accounts may be created for use with the system (Col. 5: 16-25).

With regard to claims 40, 50, 60, and the limitation wherein the step of communicating comprises transmitting an enroll command that enrolls the user in the selected course, Alcorn et al. also disclose that there may be an "Enroll in this Course" button, which allows students to enroll in a course (Col. 17: 15-18).

With regard to claims 41, 45, 51, 55, 61, 65, and the limitations wherein the step of communicating comprises transmitting a launch command that launches the selected course (as recited in claims 41, 51, 61), and wherein content of the selected course is displayed in response to the launch command (as recited in claims 45, 55, 65), Alcorn et al. disclose that the user may click on a course title in order to view the course contents (Col. 13: 50 – Col. 14: 28).

With regard to claims 42, 52, 62, and the limitation wherein the step of communicating comprises transmitting a track command that tracks the user activity through the course, Alcorn et al. disclose that the student may click on a "Check Your Grades" link, which allows the student to view grades received for exams, papers, etc. (Col. 16: 42-53; Item 1406 in Fig. 14). In this manner the user may track his or her progress in the course.

With regard to claims 43, 53, 63, Alcorn et al. disclose that the student may receive a response to clicking on the "Check Your Grades" link (or track command), comprising exam scores (Col. 16: 42-53).

With regard to claims 44, 54, 64, and the limitation wherein content of the

courses hosted by the external system are stored in servers maintained by the external

system, Alcorn et al. disclose that the content may be stored in a server computer, with

which the user computer communicates (Col. 3: 57 – Col. 4: 6; Item 130 in Fig. 1). Alcorn

et al. disclose that additional servers may be used if necessary (Col. 9: 65 – Col. 10: 4).

With regard to claims 46, 56, 66, and the limitation wherein the step of

communicating comprises transmitting commands from the server to the external

system and receiving replies from the external system, Alcorn et al. disclose that the

Web server interfaces with the Application and Core subsystems (Items 110 and 150 in

Fig. 1; Col. 7: 56-67).

With regard to claim 68, and the limitation of a learning portal that runs software

to view the electronic course, Alcorn et al. disclose a user computer, which runs a Web

browser (Item 120 in Fig. 1) in order to view the course content (Col. 7: 58-61).

With regard to the limitation of a front end that exchanges communications with

the external system to obtain access to the electronic course, Alcorn et al. disclose a Shell

Service (Item 131 in Fig. 1), through which the user access the application and core

subsystems (Col. 7: 61- Col. 8: 5).

With regard to the limitation of a back end that stores information that relates to

the electronic course, wherein the stored information comprises metadata that

comprises a course catalog for the electronic course, and the course catalog describes

courses hosted by the external system and includes a description of material in the

courses, and further wherein the back end obtains the metadata from the external

system, Alcorn et al. disclose a Web server host (Item 130 in Fig. 1), which stores data

files associated with a course (Col. 3: 66-67). Alcorn et al. disclose that the user may

retrieve a course catalog from the application and core subsystems (Col. 8: 53-55).

   With regard to claim 69, and the limitation of a front end to mediate access to an

electronic course that is hosted by an external system that is not part of the ELS, Alcorn

et al. disclose that the shell service (Item 131 in Fig. 1) is located on the Web server host

(Item 130 in Fig. 1), which is not part of the application and core subsystem block (Items

110 and 150 in Fig. 1). With regard to the front end interacting with the external system

through a series of commands that contain identification and control information for

use by the external system, Alcorn et al. disclose that the shell service servlet (Item 131

in Fig. 1) interfaces with the application and core subsystems through an Internet

interface, using protocols such as TCP/IP, HTTP, etc. (Col. 7: 61 – Col. 8: 5).

   With regard to the front end receiving responses to the commands including a

response relating to progress through the electronic course, Alcorn et al. disclose that a

user may track student progress, grades, and content usage (Col. 12: 8-10).

   With regard to the limitation of a back end to maintain information on the ELS

about the electronic course, wherein the stored information comprises metadata that

comprises a course catalog for the electronic course and the course catalog describes

courses hosted by the external system and includes a description of material in the

courses, and further wherein the back end obtains the metadata from the external

system, Alcorn et al. disclose a Web server host (Item 130 in Fig. 1), which stores data

files associated with a course (Col. 3: 66-67). Alcorn et al. disclose that the user may

retrieve a course catalog from the application and core subsystems (Col. 8: 53-55).

With regard to claim 70, and the limitation of a first electronic learning system

(ELS) that hosts an electronic course, Alcorn et al. disclose the application and core

subsystems (Items 110 and 150 in Fig. 1), which host the content for the courses (Col. 8:

6 – 33).

With regard to the second ELS that presents a course catalog to a user of the

second ELS, wherein the course catalog describes courses hosted by the first ELS,

Alcorn et al. disclose a Web browser that the user uses to interface with the Web server

host, to retrieve data (including a course catalog) from the application and core

subsystems, as previously described (Col. 7: 41 – 61).

With regard to the limitation wherein the second ELS accesses the course over a

network via a series of commands and responses, Alcorn et al. disclose that the user, via

Web browser, accesses the application and core subsystems through a shell service

(Item 131 in Fig. 1) providing an Internet interface (Col. 7: 61 – Col. 8: 5).

Alcorn et al. disclose the features of a register command (Col. 4: 52-56), enroll

command (Col. 17: 15-18), launch command and response thereto (Col. 13: 50 – Col. 14:

28), as previously described. With regard to the response to the launch command being

transmitted from the first ELS to the second ELS following receipt of the launch

command by the first ELS, the response making accessible material from the course to

the second ELS, Alcorn et al. disclose that user views course material hosted by the

application and core subsystems (or first ELS), via the Web browser and Web server

host (or second ELS), as previously described (Col. 7: 40 – Col. 8: 33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 47, 57, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. in view of Linderman (US 20020032790).**

Alcorn et al. do not disclose transmission of commands in accordance with SOAP

protocol. Linderman teaches an object-oriented communications system over the

Internet, which utilizes the SOAP protocol. Linderman teaches that SOAP offers the

advantage of allowing network elements to be remotely controlled beyond a firewall

(Paragraph [0019]). It would have been obvious to one of ordinary skill in the art at the

time of invention to incorporate the teaching of Linderman into the invention of Alcorn

et al. in order to allow objects to be remotely controlled whether or not a firewall is

present.

Response to Arguments

5.   Applicant's arguments with respect to claims 38-70 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

of the advisory action. In no event, however, will the statutory period for reply expire

later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-

8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KATHLEEN MOSSER
PRIMARY EXAMINER

Joshua D. Crabtree
October 6, 2006